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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2143
: Examiner: Kianersi, Mitra
Gerald F. McBrearty et al. : Intellectual Property
Serial No: 09/714,725 : Law Department - 4054
Filed: 11/16/2000 : International Business
Title: LINKING A USER : Machines Corporation
SELECTED SEQUENCE OF RECEIVED : 11400 Burnet Road
WORLD WIDE WEB DOCUMENTS INTO : Austin, Texas 78758
A STORED DOCUMENT STRING : Customer No. 32,329
AVAILABLE TO THE USER AT A :
RECEIVING WEB STATION :
Date: 4/4/06 :

CERTIFICATE OF MAILING

I hereby certify that this correspondence including a Brief on Appeal (in triplicate) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on 4/4/06.

J. B. Kraft

J. B. Kraft 4/4/06
Signature Date

TRANSMITTAL OF APPELLANTS' BRIEF UNDER 37 CFR 1.192(a)

Commissioner for Patents :
P.O. Box 1450
Alexandria, VA 22313-1450

~~04/12/2006 SPENB081 00000012 090447 09714725~~
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Sir:

Attached is Appellants' Brief (in triplicate) in this Appeal from a decision of the Examiner dated November 7,

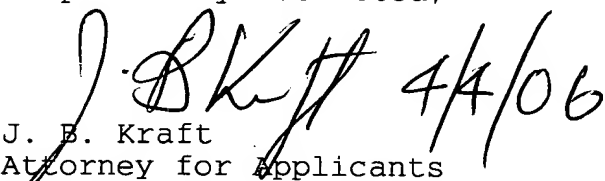
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2005 finally rejecting claims 1-21.

Please charge our Deposit Account No. 09-0447 in the amount of \$500.00.

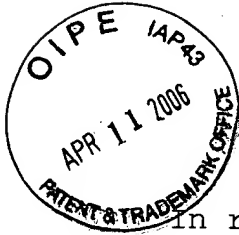
The Commissioner is hereby authorized to charge any additional fee which may be required or credit any overpayment to Deposit Account No. 09-0447. A duplicate copy of this document is included.

Respectfully submitted,


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Attorney for Applicants
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BRIEF ON APPEAL

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal from the Final Rejection of Claims 1-21 of this Application. Appendix VIII containing a copy of each of the Claims is attached.

I. Real Party in Interest

The real party in interest is International Business Machines Corporation, the assignee of the present Application.

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II. Related Appeals and Interferences

None

III. Status of Claims

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

There are 21 claims in this Application.

B. STATUS OF ALL THE CLAIMS

1. Claims cancelled: None.
2. Claims withdrawn from consideration but not cancelled: None.
3. Claims pending: Claims 1-21.
4. Claims allowed: None.
5. Claims rejected: Claims 1-21.

C. CLAIMS ON APPEAL

Claims on appeal: 1-21.

IV Status of Amendments

No amendments have been filed after Final Rejection.

V. Summary of Claimed Invention

The present claimed invention stores a tracked browsing session by starting with a starter received Web document, and then selecting a set of subsequently received Web documents as a set of subsequent or next documents using means for creating a hyperlink in each of the starter and next documents respectively to their next document in the set. The actual and received starter and next documents are stored at the receiving display station to thereby store a selected string of linked actual Web documents or pages at the receiving station.

Claim 1 which is annotated with respect to the Specification and Drawings has the same elements as all of the independent claims herein, claims 1, 8, and 15:

1. In a World Wide Web (Web) communication network (Fig. 2, Web 50 with shown interconnections, described in specification from page 8, line 29 through page 9, line 19) with user access via a plurality of data processor controlled interactive receiving display stations (terminal 57, Fig. 2, described Page 9, lines 8-16) for displaying received hypertext documents of at least one display page containing embedded hyperlinks to other hypertext documents (Fig. 2, documents 47-49 displayed on terminal screen 56, page 9, lines 8-19) accessible from sources (Fig. 2, sources 60, 62, and 63, described at page 9, lines 16-19) on the Web, a system enabling a user to link and store a sequence of selected hypertext documents (Fig. 2, documents 47-49 stored in storage 51) comprising:

means at a receiving display station for designating a received Web document as a starter document (page 10, lines

21-34 referring to document 70, Fig. 3);

means for selecting a subsequently received Web document as a first next document (page 10, lines 27-33 referring to document 72, Fig. 3);

means for creating a hyperlink in said starter document to said first next document (page 11, lines 1-11 referring to document link 74 in document 70, Fig. 4); and

means for storing said starter and next documents at said receiving display station (Fig. 2, documents 47-49 stored in storage 51, described on page 12, lines 1-6).

In addition, dependent claims 2-7, 9-14, and 16-21 are argued to have patentability through the further elements of selecting a subsequently received Web document (Fig. 5 document 72), and creating a hyperlink (Fig 5, link 76) in a first Web document (Fig. 5, document 72) to that subsequently received Web document (Fig. 5, document 77, all of these additional elements, described on page 11, lines 12-22).

In addition, claims 5, 12, and 19 set forth that the created hyperlink in the Web document is highlighted (highlighted link 74, Fig. 5, referred to at page 11, lines 5-8).

VI. Grounds of Rejection

Claims 1-4, 6-11, 13-18, and 20-21 are rejected under 35 USC 102(e) as anticipated by and unpatentable over Bauersfeld et al. (US6,195,679).

Claims 5, 12, and 19 are rejected under 35 U.S.C. 103(a) over Bauersfeld in view of Nielson, (US6,021,435).

VII. Argument

Claims 1-4, 6-11, 13-18, and 20-21 are not anticipated under 35 USC 102(e) by Bauersfeld et al. (US6,195,679).

A rejection based on anticipation under 35 U.S.C. 102, must expressly or impliedly teach every element of invention without modification. The Examiner's application of the Bauersfeld patent does not meet this standard.

Both the present invention and Bauersfeld are directed to searching or browsing on the Work Wide Web i.e. backtracking through where the user has been and passed in his navigation in the Web in a particular session.

The present claimed invention does the tracking of a browsing session by starting with a starter received Web document, and then selecting a set of subsequently received Web documents as a set of subsequent or next documents using means for creating a hyperlink in each of the starter and next documents respectively to their next document in the set. The actual and received starter and next documents are stored at the receiving display station to thereby store a selected string of linked actual Web documents or pages at the receiving station.

Bauersfeld fails to disclose means for creating a hyperlink in each of the starter and next documents respectively to their next document in the set. There are

no hyperlinks whatsoever created in Bauersfeld's Web documents in either a starter or next document. The Examiner points to a "Forward" 404 button in a tool bar in Bauersfeld as equivalent to a hyperlink in the present hypertext Web documents which links the Web document to a subsequent Web document.

Firstly, the Forward Button in Bauersfeld's tool bar is not a "hyperlink". The Microsoft Computer Dictionary, 5th Edition, 2002, Redmond, Washington defines a "Hyperlink" as "A connection between an element in a hypertext document andanother document..."

The "Forward" and "Back" buttons in Bauersfeld are not links in any hypertext documents. The buttons merely sequentially move a sequence of Web documents forward and back. The buttons are clearly not in any specific hypertext Web document. The same buttons can move any number of sequential Web documents in Bauersfeld. The Forward and Back buttons in the Tool Bar of Bauersfeld are not in any hypertext Web document in a sequence of Web documents. The same Forward and Back buttons are permanently fixed in the toolbar 401, 501, or 601. The toolbar is not a hypertext document. It is part of display station permanent Graphical User Interface.

Therefore, it is submitted that the above described remote interpretation of how the toolbar "Forward" button in Bauersfeld is equivalent to Applicants' hyperlink is not specific enough to meet the requirements of 35 U.S.C. 102. The statute requires the reference to expressly or impliedly teach every element of invention without modification. It would certainly take very significant modification for the "Forward" button of Bauersfeld to function as a hyperlink in a Web document in the sequence of Web documents of the present invention.

Dependent claims 2-7, 9-14, and 16-21 have further patentability over Bauersfeld under 35 U.S.C. 102(e).

Dependent claims 2-7, 9-14, and 16-21 are patentable over Bauersfeld for the reasons given above for the patentability of independent claims 1, 8, and 15. However, in addition, these claims set forth the elements of selecting a subsequently received Web document, and creating a hyperlink in a first Web document to that subsequently received Web document. Bauersfeld does not disclose this. The "Forward" button in its tool bar is a permanent object independent of the Web documents, and not created in any subsequently received Web document. 35 U.S.C. 102 requires Bauersfeld to expressly or impliedly teach every element of invention without modification. It would require an extraordinary modification of Bauersfeld for the reference to even suggest the invention defined in the above dependent claims.

Claims 5, 12, and 19 are unobvious over Bauersfeld in view of Nielson, (US6,021,435) and patentable under 35 USC 103(e)

Claims 5, 12, and 19 are submitted to be patentable for the reasons set forth above for the independent claims. In addition, these claims set forth that the created hyperlink in the Web document is highlighted. Applicants will concede that Nielson discloses the highlighting of hyperlinks. However, claims 5, 12, and 19 are still submitted to be patentable as set forth above. Bauerfeld in view of Nielson still does not suggest creating a highlighted hyperlink in each of a starter and next documents respectively to their next document in a set.

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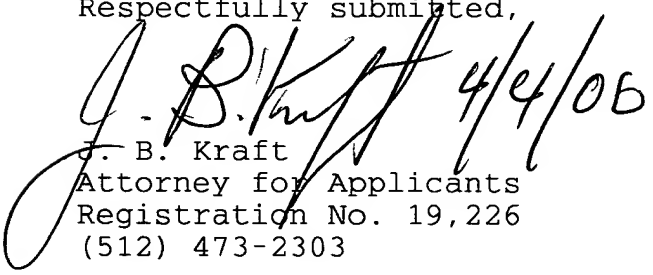
Conclusion

Claims 1-4, 6-11, 13-18, and 20-21 are patentable over Bauersfeld et al. (US6,195,679) under 35 U.S.C. 102(e).

Claims 5, 12, and 19 are unobvious under 35 U.S.C. 103(a) over Bauersfeld in view of Nielson, (US6,021,435).

Accordingly, it is respectfully requested the Final Rejection of these claims be reversed, and that the claims be found to be in condition for allowance.

Respectfully submitted,

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VIII Claims Appendix

- 1 1. In a World Wide Web (Web) communication network with
2 user access via a plurality of data processor controlled
3 interactive receiving display stations for displaying
4 received hypertext documents of at least one display page
5 containing embedded hyperlinks to other hypertext documents
6 accessible from sources on the Web, a system enabling a user
7 to link and store a sequence of selected hypertext documents
8 comprising:
9 means at a receiving display station for designating a
10 received Web document as a starter document;
11 means for selecting a subsequently received Web
12 document as a first next document;
13 means for creating a hyperlink in said starter document
14 to said first next document; and
15 means for storing said starter and next documents at
16 said receiving display station.
- 1 2. The network system of claim 1 further including:
2 means for selecting at least one subsequently received
3 Web document as a subsequent next document;
4 means for creating a hyperlink in said first next
5 document to said subsequent next document; and
6 means for also storing said subsequent next document at
7 said receiving display station to thereby store a selected
8 string of linked Web documents.

1 3. The network system of claim 2 wherein:

2 said means for selecting a subsequent next document is
3 enabled to select a plurality of said subsequent next
4 documents; and

5 further including means for creating in each subsequent
6 next document a hyperlink to the following subsequent next
7 document in said string.

1 4. The network system of claim 2 wherein said hyperlink to
2 a next document is visually distinct from other hyperlinks
3 in each document.

1 5. The network system of claim 4 wherein said hyperlink to
2 a next document is highlighted.

1 6. The network system of claim 3 further including means
2 for changing the order of the sequence of next documents in
3 said string.

1 7. The network system of claim 2 wherein said receiving
2 display station further includes a user interactive Web
3 browser, said Web browser including:

4 said means for designating a received Web document as a
5 starter document;

6 said means for selecting a subsequently received Web
7 document as a first next document;

8 said means for creating a hyperlink in said starter
9 document to said first next document;

10 said means for selecting at least one subsequently
11 received Web document as a subsequent next document; and

12 said means for creating a hyperlink in said first next
13 document to said subsequent next document.

1 8. In a Web communication network with user access via a
2 plurality of data processor controlled interactive receiving
3 display stations for displaying received hypertext documents
4 of at least one display page containing embedded hyperlinks
5 to other hypertext documents accessible from sources on the
6 Web, a method for enabling a user to link and store a
7 sequence of selected hypertext documents comprising:
8 designating a received Web document at a receiving
9 display station as a starter document;
10 selecting a subsequently received Web document as a
11 first next document;
12 creating a hyperlink in said starter document to said
13 first next document; and
14 storing said starter and next documents at said
15 receiving display station.

1 9. The method of claim 8 further including:
2 the step of selecting at least one subsequently
3 received Web document as a subsequent next document;
4 creating a hyperlink in said first next document to
5 said subsequent next document; and
6 also storing said subsequent next document at said
7 receiving display station to thereby store a selected string
8 of linked Web documents.

1 10. The method of claim 9 wherein:
2 a plurality of subsequent next documents are selected;
3 and
4 further including the step of creating in each
5 subsequent next document a hyperlink to the following
6 subsequent next document in said string.

1 11. The method of claim 9 wherein said hyperlink to a next
2 document is visually distinct from other hyperlinks in each
3 document.

1 12. The method of claim 11 wherein said hyperlink to a next
2 document is highlighted.

1 13. The method of claim 10 further including the step of
2 changing the order of the sequence of next documents in said
3 string.

1 14. The method of claim 9 further including a Web browser
2 method operatively associated with said receiving display
3 station, said Web browser including said steps of:
4 designating a received Web document at a receiving
5 display station as a starter document;
6 selecting a subsequently received Web document as a
7 first next document;
8 creating a hyperlink in said starter document to said
9 first next document;
10 selecting at least one subsequently received Web
11 document as a subsequent next document; and
12 creating a hyperlink in said first next document to
13 said subsequent next document.

1 15. A computer program having code recorded on a computer
2 readable medium for enabling a user to link and store a
3 sequence of selected hypertext documents in a Web
4 communication network with user access via a plurality of
5 data processor controlled interactive receiving display
6 stations for displaying received hypertext documents of at
7 least one display page containing embedded hyperlinks to
8 other hypertext documents accessible from sources on the
9 Web, said program comprising:
10 means at a receiving display station for designating a
11 received Web document as a starter document;
12 means for selecting a subsequently received Web
13 document as a first next document;
14 means for creating a hyperlink in said starter document
15 to said first next document; and
16 means for storing said starter and next documents at
17 said receiving display station.

1 16. The computer program of claim 15 further including:
2 means for selecting at least one subsequently received
3 Web document as a subsequent next document;
4 means for creating a hyperlink in said first next
5 document to said subsequent next document; and
6 means for also storing said subsequent next document at
7 said receiving display station to thereby store a selected
8 string of linked Web documents.

1 17. The computer program of claim 16 wherein:
2 said means for selecting a subsequent next document are
3 enabled to select a plurality of said subsequent next
4 documents; and
5 further including means for creating in each subsequent
6 next document a hyperlink to the following subsequent next
7 document in said string.

1 18. The computer program of claim 16 wherein said hyperlink
2 to a next document is visually distinct from other
3 hyperlinks in each document.

1 19. The computer program of claim 18 wherein said hyperlink
2 to a next document is highlighted.

1 20. The computer program of claim 17 further including
2 means for changing the order of the sequence of next
3 documents in said string.

1 21. The computer program of claim 16 wherein said receiving
2 display station further includes a user interactive Web
3 browser, said Web browser including:
4 said means for designating a received Web document as a
5 starter document;
6 said means for selecting a subsequently received Web
7 document as a first next document;
8 said means for creating a hyperlink in said starter
9 document to said first next document;
10 said means for selecting at least one subsequently
11 received Web document as a subsequent next document; and
12 said means for creating a hyperlink in said first next
13 document to said subsequent next document.

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IX. Evidence

There is no evidence presented.

X. Related Proceedings

None.